

**BEND LANDMARKS COMMISSION  
TYPE III STAFF REPORT and RECOMMENDATION**



**COMMUNITY  
DEVELOPMENT**

**DATE MAILED:** February 8, 2022

**PROJECT NUMBER:** PLHIS20220005

**DATE:** February 8, 2022  
Day 20 since deemed complete (January 20, 2022)

**APPLICANT:** Perry Brooks  
ROOST Development  
19480 W. Campbell Road  
Bend, OR 97702

**ARCHITECT:** Glen Camuso  
Full Circle Design  
1840 NW Element Place  
Bend, OR 97703

**OWNER:** Chris Foote and Gwen Whitten  
61514 Cultus Lake Ct.  
Bend, OR 97702

**PROPERTY LOCATION:** 201 NW Harriman Street; Lot 12, Block 8, Staats Addition to Bend subdivision; Tax Lot 08300 of Deschutes County Assessor map 17-12-32DC.

**REQUEST:** A Type III Historic New Construction application to construct a new 2,963 square foot triplex at 201 NW Harriman Street. The existing detached single-unit dwelling on the property is proposed to remain.

**HISTORIC STATUS:** Historic Non-Contributing; Old Town National Register Historic District

**HISTORIC NAME:** Charles and Abigail Gasbar House

**AGE:** 1920

**STYLE:** Craftsman

**ZONE:** Residential Medium Density (RM)

**STAFF REVIEWER:** Beth La Fleur, AICP, Senior Planner, 541-330-4019  
[elafleur@bendoregon.gov](mailto:elafleur@bendoregon.gov)

**PUBLIC HEARING DATE:** February 15, 2022

## APPLICABLE REVIEW CRITERIA AND PROCEDURES

City of Bend Chapter 10.20, Historic Preservation Code

Bend Development Code Chapter 4.1, Development Review and Procedures

## FINDINGS OF FACT

1. **LOCATION:** 201 NW Harriman Street; Lot 12, Block 8, Staats Addition to Bend subdivision; Tax Lot 08300 of Deschutes County Assessor map 17-12-32DC.



2. **BACKGROUND, ZONING AND SURROUNDING USES:** The subject property is a corner lot, located on the northwest corner of the intersection of NW Delaware Avenue and NW Harriman Street. Both streets have a 60-foot right-of-way and are classified as local residential streets. The abutting alley to the north is unpaved. The NW Delaware Avenue property frontage is developed with curb and sidewalk. The NW Harriman Street property frontage is developed with curb but not sidewalk. The subject is zoned Residential Medium Density (RM) and is developed with an approximately 1,050 square foot single level dwelling unit of the Craftsman style. Surrounding properties to the west, north, and east are zoned RM and developed primarily with single-unit dwellings, some of which are also developed with detached accessory dwelling units. There are three multi-family dwelling units within one block to the east of the subject property.





4. **REQUEST:** A Type III Historic New Construction application to construct a new 2,963 square foot triplex at 201 NW Harriman Street. The existing detached single-unit dwelling on the property is proposed to remain.
5. **PUBLIC NOTICE AND COMMENTS:** On January 21, 2022 the City of Bend Planning Division mailed a public notice of the public hearing to the Old Bend Neighborhood Association representative and to surrounding property owners within 500 feet of the site as shown on the current property tax assessment roll. A “Notice of Proposed Development” sign was also posted along both frontages on the subject property. As of noon on February 8, 2022, staff received 22 public comment emailed letters (uploaded to the CityView project file). Eleven of the 22 letters expressed support for the application, citing appropriate architectural character and provision of “missing-middle” type housing options. Eleven of the 11 letters expressed concerns regarding parking, inappropriate massing and siting of the structure relative to surrounding properties, aesthetic integrity and appropriate number of units within a structure, and long-term rental and short-term vacation rental of new units.

**Staff Response:**

**Parking:** If approved and constructed, a triplex structure and a single-unit dwelling structure would cause this property to become a “quadplex” property. The Bend Development Code (BDC) stipulates the provision of one on-site vehicular parking space for a quadplex property. The quantity and location of required parking spaces is not a design review criterion within the Bend Historic Code, and will be reviewed for compliance with the BDC at time of building permit review.



**Massing and Siting and Aesthetics:** Massing and siting of the new structure and aesthetics will be reviewed and discussed within this staff report under Bend Historic Code sections 10.20.050, Criteria of Approval and 10.20.130, Design Review Criteria.

**Unit Count/Density:** The Bend Historic Code does not regulate the number of units on a property. Density and the number of units permitted on a property is regulated under BDC 2.1, Residential Districts, and the permitted density on the subject property will be reviewed at the time of building permits. That being said, BDC 2.1.600.B.2.c states that duplexes, triplexes, quadplexes, townhomes and cottage cluster developments are exempt from maximum density standards of BDC 2.1.600.A. If the development was not exempt from maximum density standards, the maximum density of the subject property would be five units. The minimum density of the subject property is one unit. With the development of a new triplex, the density of the subject property will be four units.

**Long-term and short-term rentals:** The Bend Historic Code does not regulate home ownership or rental status. The Bend Development Code regulates short-term rental units. The subject property is not eligible to apply for a short-term rental unit permit.

**6. APPLICATION ACCEPTANCE DATE:** The application was submitted and application fees were paid on January 4, 2022. The application was deemed complete on January 20, 2022.

**7. APPLICATION AND BURDEN OF PROOF:** The applicant has submitted the following documents in support of this project, in addition to other documentation in the CityView project file PLHIS20220005:

- Authorization Form
- Historic New Construction Application
- Burden of Proof (Narrative)
- Property Deed
- Site Plan
- Elevation Plans
- Floor Plans
- Perspective Plans
- Landscape Plan
- Cut Sheets
- Additional Supporting Information

**8. HISTORIC DISTRICT CONTEXT:** The subject property is located in the Staats Addition to Bend subdivision, within the Old Town National Register Historic District. The District was established in 2001. The Old Town Historic District encompasses approximately 32 city blocks and 338 individual parcels. The district is located adjacent to the downtown core of Bend, Oregon and is sandwiched between the business district and former Brooks-Scanlon Lumber Mill site to the south. The eastern boundary of the district is defined by the Bend Parkway (formerly Division Street). The southern boundary is defined by the alley between Colorado Avenue and Delaware Avenue except for a small peninsula jutting one block to the south in Block 4 of Deschutes Addition. The northern boundary is an irregular line that

begins at the intersection of Broadway St. and St. Helen's Place and ends roughly south of NW Idaho Avenue, NW Lava Rd, and NW Franklin Avenue.

The Old Town Historic District is an intact neighborhood of early 20th Century homes and supporting structures, constructed mainly to house the workers of the Brooks-Scanlon and Shevlin-Hixon Lumber Mills. The period of historic significance for the historic district is 1910 to 1950, a period which brought about the establishment and main growth of the area as a working-class neighborhood for lumber mill employees. Over 80% of the homes are affiliated with lumber mill employees from Shevlin-Hixon, Brooks-Scanlon or both. Over 76% of the homes within the district were constructed in the Craftsman style symbolizing the popularity of the style, not only nationally, but in Bend as well.

### III. FINDINGS OF FACT

#### 10.20.030 Procedures. (Historic Preservation Code)

##### E. Applications shall be reviewed according to the processes described below:

3. The following applications are reviewed by the Landmarks Commission via the Type III process:

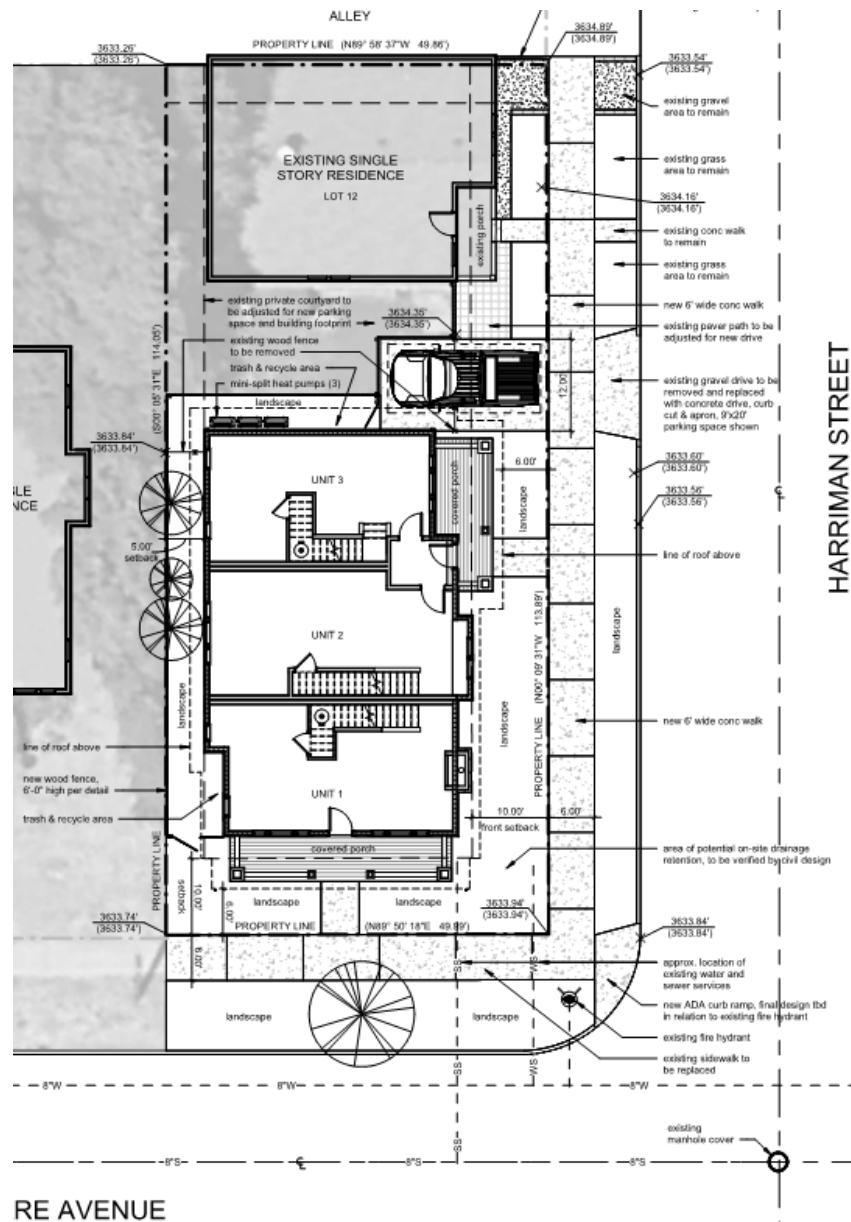
...

- b. New Construction;

...

**FINDING:** The applicant is requesting approval to construct a three-unit structure (triplex) on the southerly portion of the subject property. The two-level triplex will be approximately 2,963 square feet in size. Therefore, this request is being reviewed by the Landmarks Commission via the Type III process.





201 NW Harriman Street Site Plan-PLHIS20220005

#### 10.20.050 Criteria for Approval.

C. Type II and III applications for the construction of new structures in a historic district shall meet all of the following criteria of approval:

1. The new structure will be compatible with the appearance and character of the historic district.

**FINDING:** The subject property is recognized as a historic non-contributing property. The existing single-unit dwelling is a one-story, modest craftsman-style dwelling and is located on

the north portion of the property. The proposed new two-level structure will be located on the south portion of the corner lot. Below is a photo of the existing single-unit dwelling on the subject property.

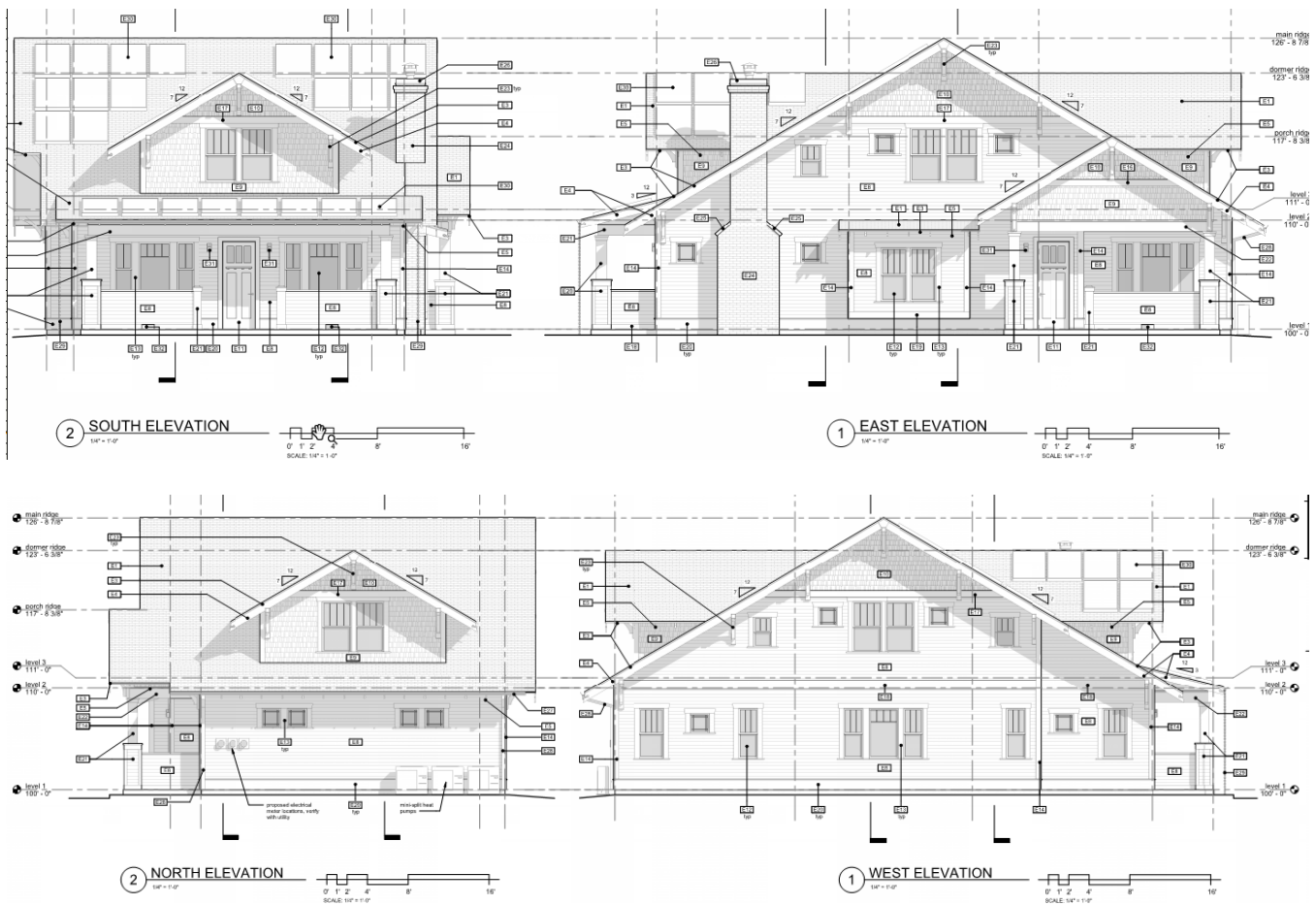


Below is a photo of the dwelling directly to the west, 216 NW Delaware Avenue:



The proposed design is of craftsman architectural style and provides a primary front-entrance façade fronting NW Delaware Avenue, typical of surrounding single-unit dwellings in the district, while also providing a secondary front-entrance façade fronting NW Harriman Avenue. In this way, the structure can accommodate three attached dwelling units while appearing to be more of a single-unit dwelling.





Architectural elements on the NW Harriman Street façade that contribute to this aesthetic is the exterior brick chimney, first floor exterior extension, and smaller gabled front porch. The NW Delaware façade includes a full width front porch with a shed roof and a front-facing gable dormer. Other architectural elements include a variety of simulated divided-lite windows with trim and two-inch canted sills, decorative cut rafter tails, horizontal lap siding on the first floor with shake style siding on the second floor and corner-board trim.

The applicant provided the following renderings and statements of proposed architectural details:



*Decorative cut barge-board/fascia, exposed rafter tails, frieze board trim, large overhangs (3 feet) supported by wood brackets*



*Base of wall water table trim with canted top sill, exposed foundation with six to eight inches to finished grade*



*Prairie style rectangular windows, 4" smooth horizontal lap siding and shake accent siding*



*Wood side yard fence to match fencing at existing home, band board trims*



*Exterior accentuated brick chimney*



*Full width front porch, proportionate double hung windows with two-over-one and four-over-one simulated divided lites and character-appropriate door / window trims, shed roof supported by posts and beams on bases and knee walls*

Surrounding homes in the district are of craftsman architectural character and have similar gable dormers, style and proportion of porches (full and partial width porches supported by posts resting on bases and knee walls), gable and shed-rooflines, a variety of window styles and proportion of vertical to horizontal glazing, horizontal lap siding and combinations of horizontal and shake siding, decorative rafter tails, building form, and texture and material.

As detailed in the submitted Narrative, the applicant has provided documentation of similar architectural features in the district and in proximity to the subject property. A few select examples from the Narrative are provided below:

## A. Style of Siding or Combination of Siding



### **407 NW Delaware Ave:**

*Similar to that of our current proposal, which consists of a combination of primary siding composed of 4" smooth composite horizontal lap planks, along with a secondary siding composed of composite shakes, **407 Delaware** uses the combination of a primary siding composed of 4" (or less) wood smooth horizontal lap planks, along with a secondary siding composed of wood shakes. This along with similar window and door trims also mimics the overall siding approach to our proposal.*

## B. Window Style and Proportion of Vertical to Horizontal



### **255 NW Delaware Ave:**

*Similar to that of our current proposal, which consists of wood four-over-one double hung operable windows and prairie style fixed windows, **255 Delaware** uses a combination of wood three-over-one and six-over-one double hung operable windows and prairie style fixed windows, all of a similar width-to-height proportion.*





#### **420 NW Delaware Ave:**

*Similar to that of our current proposal, which consists of wood four-over-one double hung operable windows and prairie style fixed windows, **420 Delaware** uses a combination of wood three-over-one and eight-over-one double hung operable windows and fixed windows, all of a similar width-to-height proportion.*

#### **C. Style and Proportion of Porch**



#### **407 NW Delaware Ave:**

*Similar to that of our current proposal, which consists of a full width front shed roof porch supported by posts resting on bases and knee walls, **407 Delaware** has a full width porch supported by square posts resting on knee walls.*



## D. Building Form



### **255 NW Delaware Ave:**

As the primary precedent to that of our current proposal, **255 Delaware** and 201 Harriman each have a primary cross gable (side facing) roof form of a similar roof pitch, with center projecting gable dormers to the rear. Our proposal takes a departure from **255 Delaware** in that the front center projecting gable dormer acts as a bedroom above rather than the porch, with a full width front facing shed roof porch below. Each building form also utilizes a side facing bump-out with a shed roof and a prominent brick veneer chimney. Lastly, the building forms of

each site read similarly with **255 Delaware** stepping down to a rear double car garage and 201 Harriman stepping down to a rear 1-story single-family residence. (Also reference previous page 22 for side-by-side images of each building's form in the context of the site).



### **407 NW Delaware Ave:**

Also similar in form to our current proposal, **407 Delaware** utilizes a primary cross-gable (side facing) roof form of a similar roof pitch, with a center projecting gable dormer to the front. Our proposal takes a departure from **407 Delaware** by adding a full width, front-facing, shed roof porch rather than a recessed porch. Each building form also utilizes a prominent brick veneer chimney. Much like 255 Delaware and our proposal, **407 Delaware** is also a corner lot which puts a heavy emphasis on the side facing elevation.



### **510 NW Delaware Ave:**

While differing slightly to our proposal with a primary front facing gable roof form and side facing shed dormers, **510 Delaware** was chosen as a precedent due to its true 1.5-story design and general scale/massing. It also utilizes a full width, front facing porch which lowers the perceived scale of the front elevation, and a side facing bump-out with a shed roof. Lastly, **510 Delaware's** general form also displays a prominent brick veneer chimney.

## E. Texture and Materials



### **407 NW Delaware Ave:**

Similar to that of our current proposal, **407 Delaware** utilizes a primary 4" (or less) exposure smooth horizontal lap siding, secondary shake siding, brick veneer chimney and similar door, window and water table trim. Also craftsman in style, **407 Delaware** has exposed rafter tails and knee braces as well as dark asphalt shingle roofing.



### **510 NW Delaware Ave:**

Similar to that of our current proposal, **510 Delaware** utilizes a primary 4" (or less) exposure smooth horizontal lap siding, secondary shake siding, brick veneer chimney and similar door, window, water table and band board trim. Also craftsman in style, **407 Delaware** has exposed rafter tails and knee braces as well as dark asphalt shingle roofing.



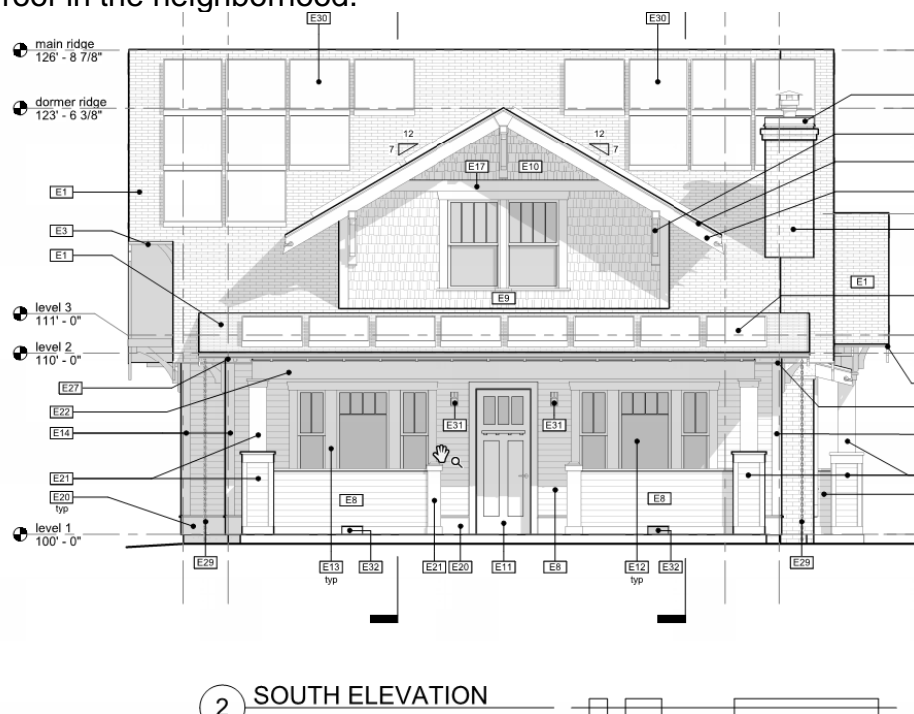
As detailed in the Narrative, the applicant used the dwelling at 255 NW Delaware as the basis of the proposed structure.



Staff notes that the rake of the main roof line of 255 NW Delaware stops at the extension of the porch gable. In many of the existing historic structures with a side-facing main ridge gable roofline, the front porch is tucked under the main roof and not added on beyond the lowest point of the rake of the main roof line. In doing so, the massing of the structure is controlled and restrained (see 407 NW Delaware photo below).



The south-facing main roof of the proposed structure is truncated along the southwestern edge, visually exposing the soffit of the north facing roof area, which is unusual. It may be to balance the symmetry of the south-facing gabled dormer, though Staff was unable to find a similarly styled roof in the neighborhood.

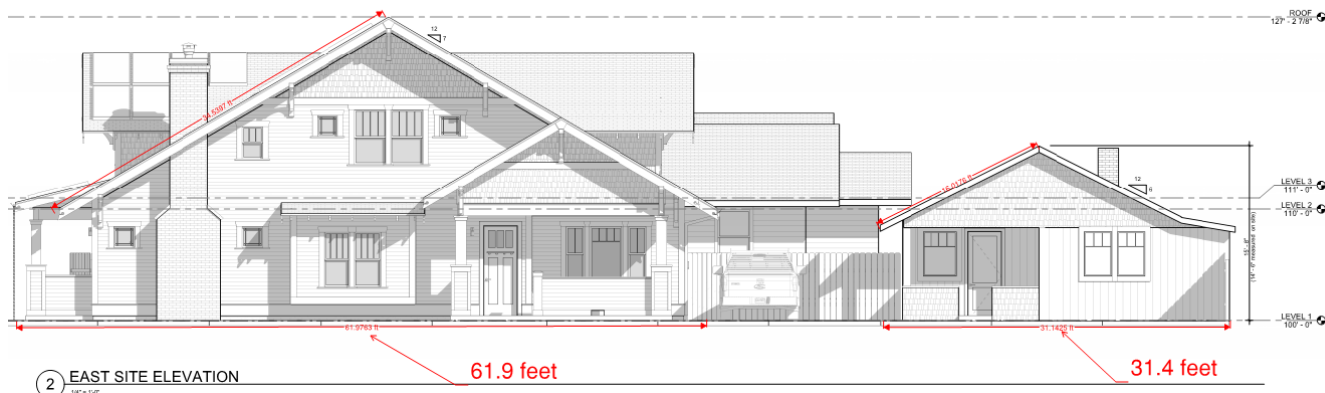
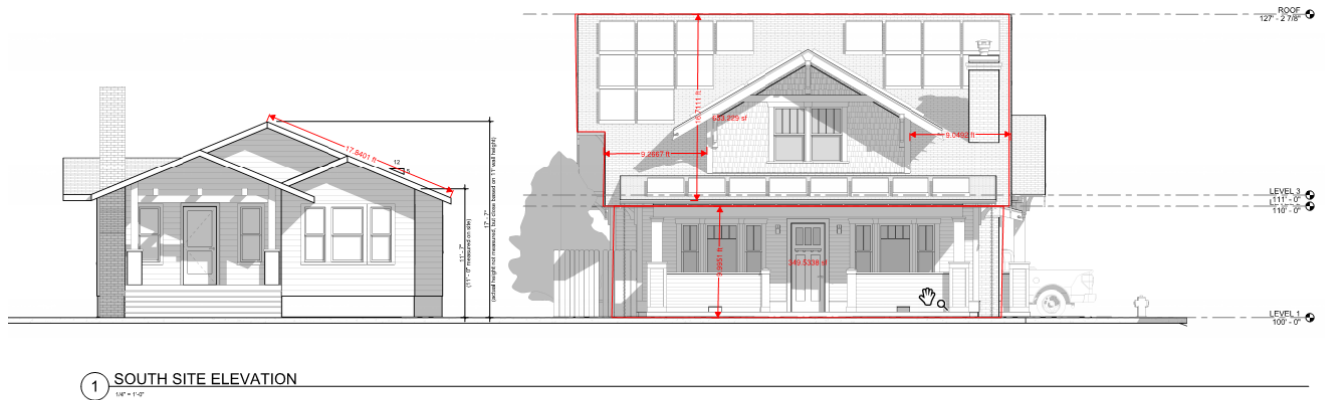


The proposed solar panels are not typical of the neighborhood but are not a truly permanent feature of a roof. The proposed solar panels on the south-facing gabled dormer would be less noticeable if they were moved to the roof of the north-facing gabled dormer, which is of equal dimension.



The main roof ridge height and the proportion of roofing to wall contribute to the massing and scale of the building, relative to the surrounding developed properties in the district. The proposed structure has a 7:12 pitch, east-west facing main gable roofline with 7:12 pitch north-south facing second-floor gabled dormers. The north-facing front porch is covered with a 3:12 pitch shed roof while the east-facing front porch is covered with an 7:12 pitch east-facing gabled dormer roof. The main roofline has a rake that is 34 feet per length; double that of the 16 feet rake on the 6:12 pitch roof of the existing dwelling on the subject property. The abutting dwelling to the west has a 17.8-foot rake length along the front-facing 5:12 pitch gable roof.

The area of the south-facing roof of the proposed structure, including the gabled dormer, is approximately 653 square feet and approximately 16.7 feet in height. This is more than the approximately 349.5 square feet of area of the south wall elevation, which is approximately 10 feet in height. These proportions, roof area to wall area, allow for a building massing which is not similar to the adjacent and abutting single-level houses in the area or houses which have a main roofline and second floor gabled dormers.



It is notable that the ridge height of the gable dormers is 24 feet; almost 3 feet lower than the main ridge height. As shown by 407 NW Delaware Avenue and other 2-level homes in the district such as 356 NW Delaware Avenue (historic contributing; 22-foot building height) and 356 NW Florida Avenue (historic contributing), it is unusual to have the main ridge line rise so much higher than the dormers. If the main ridgeline of the building was reduced from 26.75 feet to a more typical 24.5 feet or less, the massing of roof area to wall area would be reduced

and be more proportional and compatible with surrounding 2-level homes such as 255 NW Delaware Avenue and 407 NW Delaware Avenue. Reducing the height could be achieved by redesigning the main roof pitch to be 5:12 or 6:12, and/or reducing the ceiling heights of the first and/or second floors.



Staff finds that although the proposed new structure has been designed with specific architectural details to be compatible in appearance and character of the historic district, the siting of the structure, which is specifically discussed below, and the massing and scale is not compatible with the appearance and character of the historic district. Staff recommends the Landmarks Commission find this criterion is not met and the height of the main ridgeline be reduced to no more than 24.5 feet.

## **2. The proposal is consistent with the design review criteria of BC 10.20.130.**

**FINDING:** The design review criteria of BC 10.20.130 are addressed below.

### **10.20.130 Design Review Criteria.**

**The following design review criteria shall apply to alterations, additions and new construction:**

#### **A. Siting**

- 1. In addition to the zoning requirements, the relationship of new additions and new construction to the street and to the open space between buildings shall be compatible with adjacent historic buildings and with the historic character of the surrounding area.**

**FINDING:** The subject property is in the Residential Medium Density (RM) zone. As a corner lot, the subject property has two front yards and two rear yards. The development standards of the RM zone call for 10-foot front yard setbacks and 5-foot rear yard setbacks. Bend Development Code (BDC) section [2.1.300.F.6](#) allows for an unenclosed front porch, including architectural elements such as eaves and with a maximum floor height not exceeding 18 inches in height, to extend up to four feet into the required front yard setback. The applicant is proposing to locate both front porches six feet from the corresponding front property lines.

The applicant is proposing a five-foot setback from the west (rear) property line, which is the side lot line of 216 NW Delaware Avenue, the abutting property to the west. The single-unit dwelling at 216 NW Delaware Avenue is setback from the common property line approximately nine feet, which is almost double that which is proposed for the new triplex. The triplex is proposed to be located 19 feet from the existing dwelling at 201 NW Harriman Street. Surrounding properties in the vicinity have a variety of rear and side yard space between buildings and there are many instances of existing dwelling units located within the required five-foot yard setbacks. Ten feet between buildings is not uncommon in the immediate vicinity or district, as shown by the building footprints depicted and measured in the mapping tool Data Explorer, available on the City's website: [City of Bend Data Explorer mapping page](#) (click on the "Data Explorer" tab on the far right of the webpage).

The existing dwelling on the subject property actually encroaches into the alley to the north and is located five feet from the rear property line and seven feet from the accessory structure on the lot to the west. Accessory structures in the Old Town Historic District are typically located behind dwelling units and within the required five-foot setbacks from side and rear property lines. The relationship of the proposed new construction to the open space proposed between the building next door at 216 NW Delaware Avenue as well as to the existing dwelling at 201 NW Harriman Street is in keeping with that of the adjacent historic buildings and with the historic character of the surrounding area.

The existing single-unit dwelling on the subject property is located approximately 6 feet from the NW Harriman Street front property line. Dwelling units in the vicinity which front NW Harriman Street are set back approximately 6 to 12 feet. The covered, unenclosed porch on



this elevation is proposed to be located 7.3 feet from the front property line with the edge of the 1.3-foot-wide eave located 6 feet from the NW Harriman Street front property line. The closest wall of this façade will be located 10 feet from the NW Harriman Street front property line. The proposed triplex is sited along the NW Harriman Street frontage in a manner similar to and consistent with other front yard setbacks along NW Harriman Street.

As depicted below, the abutting home to the west (216 NW Delaware Avenue) is set back approximately 27 feet from the NW Delaware Avenue front property line. The red horizontal line on the figure below indicates a setback distance of approximately six-feet from the NW Delaware Avenue front property line. The dwelling located at 154 NW Delaware Avenue, across the street to the east, is set back 20 feet from the NW Delaware Avenue front property line. The home at the NW corner of NW Delaware Avenue and NW Sisemore Street, 306 NW Delaware Avenue, has a setback of 16 feet.



**Building footprints in the 200 and 100 blocks of NW Delaware Avenue (Source: Data Explorer)**





The vast majority of homes along NW Delaware Avenue have setbacks of at least 20 feet from the front property lines. Historically, this was a unique pattern of development specifically along NW Delaware Avenue and it is still observable today. A new single-unit dwelling and detached accessory dwelling unit was approved under PZ-19-0549) and recently constructed with a 26-foot setback from NW Delaware Avenue and eight-foot setback from NW Lava Street. At least three dwellings on corner lots fronting NW Delaware Avenue including 306 NW Delaware Avenue shown above, have setbacks between 15 feet (503 NW Delaware Avenue) and 20 feet (407 NW Delaware Avenue).

Looking at building footprints on the [City of Bend Data Explorer mapping page](#) (click on the “Data Explorer” tab on the far right of the webpage), one can observe a variety of front yard setbacks on surrounding east/west avenues within the Old Town Historic District. On the north/south side streets, homes on corner lots are located closer to the side street front property line, which results in typical five to ten-foot side street front yard setbacks.

The applicant provides evidence in the burden of proof of a grocery store which was developed on the southeast section of the property in approximately 1928. It is believed to have burned down sometime in the 1930’s. The Sanborn maps show the store as having essentially no setbacks from the east and south property lines, even though the surrounding residential development had established 15+-foot front yard setbacks. It was typical of commercial 1920 and 1930 era buildings to be located as close as possible to the street (see 210 NW Congress Street “Iron Horse Antiques” and 645 NW Bond Street “Delaware Annex”). However, staff believes it is a reach to use a commercial structure which has been gone for 90 years as historical precedence to allow a new residential structure to be located as close to the NW Delaware Avenue frontage as possible, notwithstanding siting of adjacent historic structures and of those in the vicinity.

The applicant is proposing a distance of approximately 19 feet between the north wall of the new triplex and the south wall of the existing single-unit dwelling on the subject property. The applicant is proposing to locate the one required 9-foot by 20-foot parking space in this location. Accommodating the parking space in this area leaves approximately 10 feet of available space within which the triplex could be moved north and set back from the NW Delaware Avenue front property line an additional 10 feet. This would result in a front yard setback of 16 feet. This would be more compatible than a 6-foot setback from the NW Delaware front property line and be more in keeping with and to the historic setbacks and siting for dwellings along NW Delaware Avenue. Note that it is unknown whether the applicant will be required to provide an on-site ADA parking space, which would be required to be 17-feet by 20-feet. This will depend on the building plan review (residential or commercial) by the Building Division. Alternatively, or in addition, the building could be reduced in size to have a more compatible siting relative to NW Delaware Avenue.

Staff finds the proposed triplex is sited along the NW Harriman Street frontage in a manner similar to and consistent with other front yard setbacks along NW Harriman Street, as well as with the existing dwelling on the subject property. In addition, staff finds that the space between the proposed triplex and the adjacent structures at 216 NW Delaware Avenue and the existing dwelling unit at 201 NW Harriman is similar to and compatible with that which is found in the vicinity and to the character of the district as outlined above.

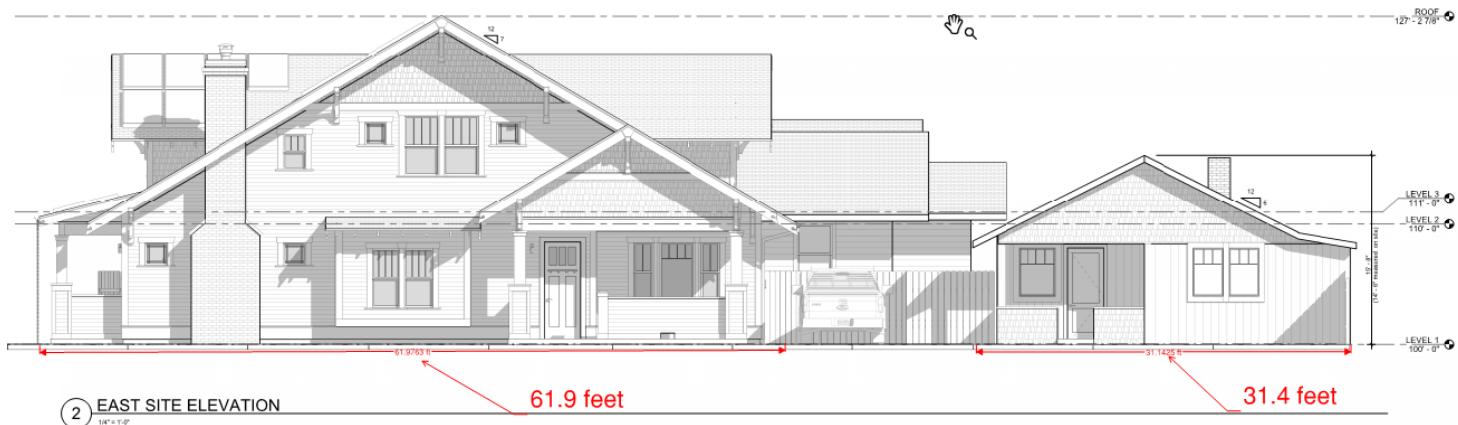
As proposed, the relationship of the proposed new construction to the street is very different than that of adjacent historic buildings and with the historic character of the surrounding area. Staff finds the proximity of the new building to the sidewalk and the NW Delaware Avenue front property line is atypical to other historic structures with frontage on NW Delaware Avenue. With the eave of the front porch to be located six feet from the NW Delaware Avenue front property line (which is approximately the back or north side of the abutting sidewalk), the proposed structure location does not protect or contribute to the historic pattern of development along NW Delaware, which includes large open spaces in the front yards as outlined above. The siting of the proposed triplex is not similar or consistent with other front yard setbacks of dwelling units along the NW Delaware Avenue or the historic character of the surrounding area.

Staff recommends the Landmarks Commission find that this criterion is not met with regards to the relationship of the new construction to the street and is not compatible with the adjacent historic buildings and with the historic character of the surrounding area, specifically that of the open space along NW Delaware Avenue, and that the structure be setback at least 16 feet from the NW Delaware Avenue front property line.

- 2. New additions and new construction shall be sited so that the impact to the primary facade(s) is kept to a minimum. Additions shall generally be located at the rear portions of the property or in such locations where they have the least visual impact from public ways.**

**FINDING:** The primary façade of the existing dwelling faces NW Harriman Street. The proposed triplex will be located south of the existing dwelling and will have a secondary front porch which faces NW Harriman Street as well. The width of the existing dwelling, eave to

eave, is 31 feet. The width of the proposed structure is approximately 62 feet, or twice that of the existing dwelling.



The existing single-unit dwelling on the subject property is located approximately 6 feet from the NW Harriman Street front property line. Dwelling units in the vicinity which front NW Harriman Street are set back approximately 6 to 12 feet. The covered, unenclosed porch on this elevation is proposed to be located 7.3 feet from the front property line with the edge of the 1.3-foot-wide eave located 6 feet from the NW Harriman Street front property line. With regard to the siting relationship – not massing or height - of the proposed triplex and the existing single unit dwelling, the primary façade of the existing historic nonconforming dwelling will not be impacted.

Staff recommends the Landmarks Commission find this criterion is met.

## B. Landscaping (Visible from Adjacent Public Street).

1. Alterations and new development shall incorporate traditional landscape elements evident in the historic properties in the surrounding area such as grass, trees, shrubs, and picket fences as applicable.
2. Inappropriate landscape treatments, such as berms and extensive ground cover inconsistent with the historic landscaping of the property, are prohibited.

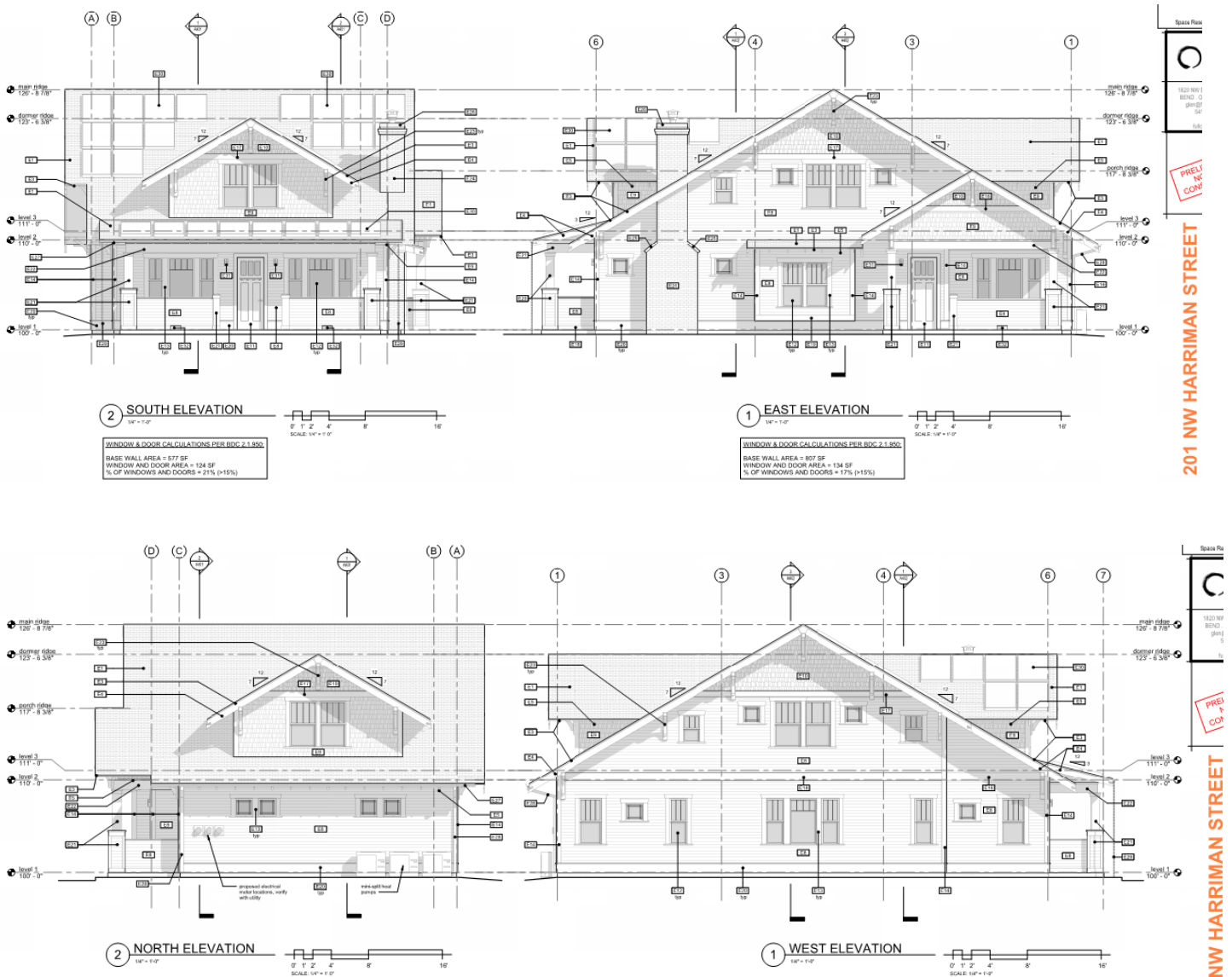
**FINDING:** The applicant is proposing new landscaping for the subject property. The subject property has been maintained with patchy dirt and grass and minimal shrubs and trees. There are two trees located along the west property line which are proposed to be retained. As depicted on the submitted Landscape plan, the applicant is proposing street trees and a variety of grasses, perennials, shrubs and on-site trees. On February 2, 2022, the applicant submitted a revised finding for BC 10.20.30.B stating *“the plant palette is selected from native adaptive plant species that is inspired by the surrounding historical context”*. Concrete walkways will connect the porches to the abutting new sidewalk. The applicant is not proposing inappropriate landscape treatments such as berms and extensive ground cover. Staff recommends the Landmarks Commission find this criterion is met.

## C. Building Height



1. In addition to the zoning requirements, the height of new additions and new construction shall not exceed the height of the historic building being added onto, or of historic buildings in the surrounding area.

**FINDING:** The maximum height of structures in the RM zone is 40 feet. The height of the proposed structure, from the finished grade to the height of the main roof ridge is 26.75 feet.



As shown below, the abutting dwelling located at 216 NW Delaware is approximately 17.6 feet in height from finished grade. The highest ridge line of the proposed triplex is approximately 9 feet higher than the abutting dwelling. The height of the proposed north-south gable is 24 feet in height. The visual effect is that the proposed structure will be significantly taller than the existing dwelling to the west.

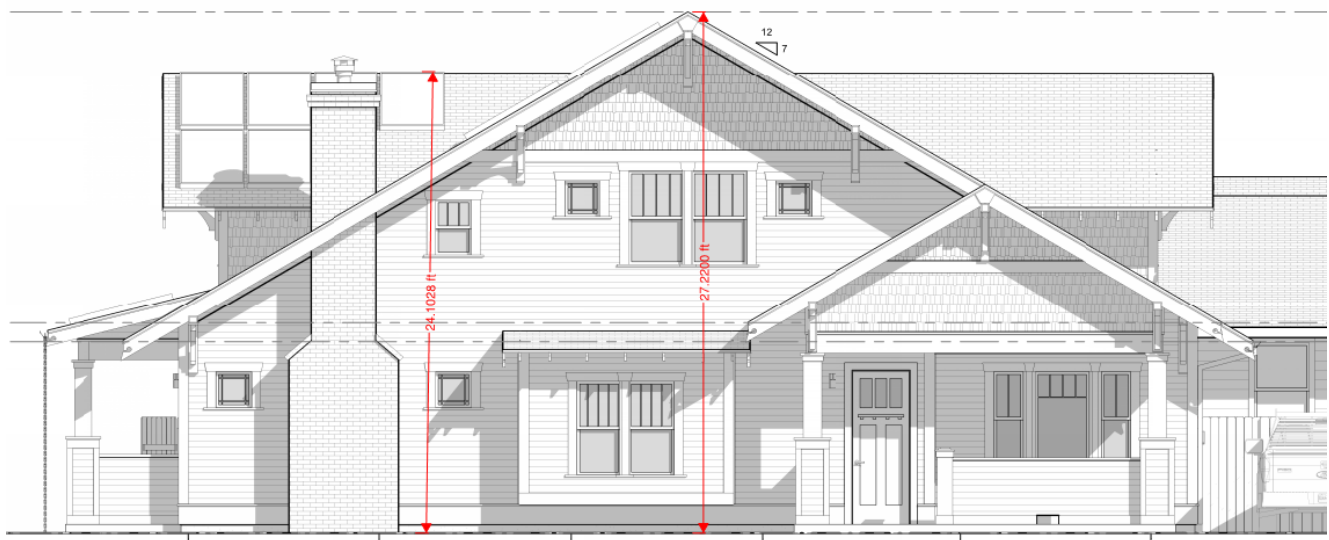




As shown below, the existing dwelling on the subject site is approximately 14.5 feet in height from finished grade. The highest ridge line of the proposed triplex is approximately 12 feet higher than the existing dwelling. The height of the proposed north-south gable, at 24 in height, is approximately 10 feet higher than the existing dwelling on the subject property. Overall, the proposed structure, at 26.75 feet, is almost double the height of the existing structure on the site. The visual effect is that the proposed structure will be significantly taller than the existing dwelling on the subject property.



The Narrative states that height of the proposed structure is below the maximum height of 40 feet allowed in the RM zone. However, meeting the requirements of the zone is not wholly germane to this particular review criterion. In reference to whether the proposed structure exceeds the building heights of historic buildings in the area, the applicant refers to the building at 255 NW Delaware Avenue as one that is *comparable* to the proposed structure. The applicant did not provide the actual height of 255 NW Delaware Avenue. Gaging by the elevations and comparing architectural features of both, one can see that the highest ridge line of the proposed building will likely be taller than 255 NW Delaware Avenue.



2 EAST SITE ELEVATION  
1/4" = 1'-0"

The Narrative states that though the exact building height measurements of surrounding 1 ½ and 2-story homes are not provided, the applicant believes that the height of the proposal is in character with that of other 1 ½ story homes adjacent to 1-story homes. However, the Land Use Board of Appeals (LUBA) in LUBA No. 2015-105 (uploaded to the project file PLHIS20220005) cautions against using this terminology and instead focuses on the actual measurable height of structures relative to this criterion. Specifically, on page 24 of the ruling:



11 an historic buildings in the surrounding area.

12 The city responds that petitioners' arguments are based on the contention  
13 that the proposed dwelling is a two-story building, ignoring the fact that under  
14 Condition 3 the dwelling will be only one and one-half stories tall. We tend to  
15 agree with the city that arguments based on the number of stories (however that  
16 is determined), rather than building height measured in feet from the finished  
17 grade, are immaterial to compliance with BDC 10.20.130.C.1. That code  
18 provision is concerned with building height, which is defined as feet above  
19 final grade, not the number of stories. The problem is that, as petitioners  
20 correctly argue, the commission's findings describe the dwelling's height as 22  
21 feet from the finished floor, instead of from the finished grade, and further state

Though it may be considered comparable, the proposed building will potentially be higher than 255 NW Delaware Avenue. The applicant also references 1 ½ story homes located on corner lots at 255 NW Delaware Avenue, 306 NW Delaware Avenue, and 407 NW Delaware Avenue as *similar* in design and height. The dwelling at 306 NW Delaware Avenue received approval from the Landmarks Commission (PZ-16-0511) to raise the roofline from 18.5 feet to 21.5 feet, as it is today. The applicant is proposing a height of 26.75 feet, which is 5.25 feet higher than that of 306 NW Delaware Avenue.







Staff was able to find elevations depicting height for the following addresses: 407 NW Delaware Avenue, PZ-18-0443 (installation of French doors), height of 24.5 feet; 314 NW Georgia Avenue, PZ-14-0280 (New Construction), height of 24.5 feet; 306 NW Delaware Avenue, PZ-16-0511 (raise existing roofline); new height of 21.5 feet; 506 NW Delaware Avenue, PZ-19-0549 (New Construction), height of 24.5 feet.

The criterion does not use the words “*similar to*” but rather “*shall not exceed the height...of historic buildings in the surrounding area.*” Staff finds that in the absence of clear demonstration of buildings in the District that are actually higher than the proposed 26.75 feet, and with the limited information that is provided, it is feasible only to demonstrate that the proposed building will exceed the height of the historic buildings in the surrounding area. The applicant has not provided information that supports the fact that the proposal does not exceed the height of historic buildings in the surrounding area.

Staff recommends that the Landmarks Commission finds this criterion is not met and as discussed above, and the height of the main ridgeline be reduced to no more than 24.5 feet.

#### **D. Building Massing**

- 1. New additions shall be articulated in such a manner that no single element is visually larger than the existing historic building.**

**FINDING:** This criterion addresses new additions to existing structures, i.e. not new stand-alone buildings. Staff recommends the Landmarks Commission finds this criterion is not applicable to the proposal.

#### **E. Proportion and Scale**

- 1. The relationship of height to width of new additions and their sub-elements, such as windows and doors and of alterations, shall be compatible with related**

**elements of the historic building and with the historic character of the surrounding area.**

**FINDING:** This criterion addresses new additions to existing structures, i.e. not new stand-alone buildings. Staff recommends the Landmarks Commission finds this criterion is not applicable to the proposal.

**2. The relationship of solids to voids (wall to window) shall be compatible with related elements on the historic building and with the historic character of the surrounding area.**

**FINDING:** The applicant is proposing a mix of window openings in walls, cantilevers, and gables, similar to those found on homes in the District. The applicant is proposing window openings and facades that are typical of craftsman style homes in the area. The Narrative specifically calls out 255 NW Delaware Avenue as well as 306 NW Delaware Avenue, 314 NW Georgia Avenue, and 829 NW Georgia Avenue.



306 NW Delaware Ave.



314 NW Georgia Ave



829 NW Delaware Ave.



Staff recommends that the Landmarks Commission finds the proposed proportion and scale of the windows and facades are compatible with the historic character of the surrounding area.

## **F. Exterior Features.**

### **1. General.**

- a. To the extent practicable, original historic architectural elements and materials shall be preserved.**
- b. Architectural elements and materials for new additions shall be compatible with related elements of the historic building and with the historic character of the surrounding area.**
- c. The preservation, cleaning, repair, and other treatment of original materials shall be done in a manner as to retain the original materials to the most practical extent.**

**FINDING:** Staff recommends the Landmarks Commission finds this criterion is not applicable to the new construction proposal.

### **2. Foundations**

- a. Concrete or masonry foundations to replace deteriorated wood foundations are permitted. Such new foundations shall be covered with board skirting or similar treatment to match the original appearance and extend to within six to eight inches of the ground level.**
- b. Concrete or masonry foundations for new additions need not be covered with material that simulates construction techniques that were practiced at the original time of construction.**



- c. New foundations shall not significantly alter the historic finish floor elevation of the building.**

**FINDING:** The proposal is not for a replacement foundation, foundation for a new addition or a new foundation which would alter the historic finish floor elevation of a building. Staff recommends the Landmarks Commission finds this criterion is not applicable to the new construction proposal.

### **3. Roofs**

- a. Roofs on new additions shall be of forms (gabled, hipped, etc.) that are compatible with the historic building and the historic character of the district.**

**FINDING:** The proposal is not for a new addition. Staff recommends the Landmarks Commission finds this criterion is not applicable to the new construction proposal.

### **4. Garages/Carports**

**FINDING:** This proposal does not include a garage or carport. Staff recommends the Landmarks Commission finds this criterion is not applicable to the new construction proposal.

**CONCLUSIONS:** Based on the findings stated above, the applicant's proposal to construct a new structure at 201 NW Harriman does not meet all of the applicable review criteria for approval based on siting and massing of the proposed structure relative to the NW Delaware Avenue frontage and that the height of the new building will exceed the height of the historic buildings in the surrounding area.

**STAFF RECOMMENDATION:** Based on the application material uploaded into the CityView file PLHIS20220005 between January 2, 2022 and February 2, 2022, staff recommends the Landmarks Commission find the location, massing and height are not compatible. It is staff's hope that the applicant chooses to revise the proposal to relocate the building further north on the property as outlined in the staff report and staff recommends the applicant come to the public hearing with height information of residential buildings in the district to support the proposed building height or reduce the height of the building to be no higher than 24.5 feet. A building height reduction can be accomplished in a variety of ways such as by reducing the floor height of one or both floors by or changing the roof pitch or both. In the event, the applicant chooses to revise the proposal and return to the Landmarks Commission for review, the applicant will be required to "toll the 120-day review clock" for at least 30 days to allow for time between hearing dates to make modifications to the application.

Written by:



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